

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**In re:**

**ORLY GENDER  
(Debtor)**

§  
§  
§  
§

**Case No. 19-10926-TMD  
(Chapter 7)**

**GLOBAL NOTES, METHODOLOGY AND SPECIFIC  
DISCLOSURES REGARDING THE DEBTOR SCHEDULES OF  
ASSETS AND LIABILITIES AND STATEMENT OF FINANCIAL AFFAIRS**

**Introduction**

On July 12, 2019 (the “*Petition Date*”), Orly Genger (“Debtor”) filed a voluntary petition for relief under Chapter 7 of Title 11 of the United States Code (the “*Bankruptcy Code*”).

Pursuant to the requirements of Bankruptcy Code Section 521 and Rule 1007 of the Federal Rules of Bankruptcy Procedure (the “*Bankruptcy Rules*”), the Debtor, with the assistance of her counsel and accountants, has filed her Schedules of Assets and Liabilities (the “*Schedules*”) and a Statement of Financial Affairs (the “*Statement*”) with the United States Bankruptcy Court for the Western District of Texas (the “*Bankruptcy Court*”).

In reviewing and signing the Schedules and Statement, Debtor has relied upon the information in books and records as well as information obtained from third parties.

These *Global Notes, Methodology and Specific Disclosures Regarding the Debtors’ Schedules of Assets and Liabilities and Statements of Financial Affairs* (the “*Global Notes*”) pertain to, are incorporated by reference in, and comprise an integral part of each of the Debtor’s Schedules and Statement. The Global Notes should be referred to and reviewed in connection with any review of the Schedules and Statement.

The Schedules and Statement do not purport to represent financial statements prepared in accordance with Generally Accepted Accounting Principles in the United States (“*GAAP*”), nor are they intended to be fully reconciled with the financial statements of the Debtor. Additionally, the Schedules and Statement contain unaudited information that is subject to further review and potential adjustment, and reflect the Debtor’s best and good faith efforts to report the assets and liabilities fully and accurately. Certain of the assets are difficult or impossible to value in their current condition or configuration and are listed as “unknown” because the valuation of such assets is speculative or subject to widely divergent valuation methodologies. In certain instances, the inability to opine as to value results (as noted) in a \$0 value for the purpose of the assets summaries. While Debtor does not believe that all such assets have \$0 value, the listing of a specific dollar amount would be misleading under the circumstances. Debtor will, as more

valuation information becomes available, amend the Schedules and Statement of Affairs to reflect more likely values.

In preparing the Schedules and Statement, the Debtor has relied upon financial data derived from books and records that were available at the time of such preparation and information that was provided by third parties. Although the Debtor has made reasonable efforts to ensure the accuracy and completeness of such financial information, inadvertent errors or omissions, as well as the discovery of conflicting, revised or subsequent information, may cause a material change to the Schedules and Statement. Thus, the Debtor is unable to warrant or represent the Schedules and Statement are without inadvertent errors, omissions or inaccuracies. Accordingly, the Debtor reserves all of her rights to amend, supplement or otherwise modify the Schedules and Statement as is necessary and appropriate. Notwithstanding the foregoing, the Debtor shall not be required to update, amend or supplement the Schedules and Statement, but reserves the right to do so.

### **Global Notes and Overview of Methodology**

**Reservation of Rights.** Nothing contained in the Schedules and Statement shall constitute a waiver of the Debtor's rights or an admission with respect to her chapter 7 bankruptcy case.

**Net Book Value of Assets.** It would be prohibitively expensive and unduly burdensome and to obtain current market valuations for all of the assets. In some instances, such a valuation would be impossible. Accordingly, unless otherwise indicated, the Debtor's Schedules and Statement reflect the Debtor's best analysis of market value at the time of filing.

**Recharacterization.** Notwithstanding the Debtor's commercially reasonable best efforts to properly characterize, classify, categorize or designate certain claims, assets and other items reported in the Schedules and Statement, the Debtor may nevertheless have improperly characterized, classified, categorized, designated or omitted certain items. Accordingly, the Debtor reserves all of her rights to recharacterize, reclassify, recategorize, redesignate, add or delete items reported in the Schedules and Statement at a later time as is necessary and appropriate, as additional information becomes available.

**Classifications.** Listing a claim on (a) Schedule D as "secured," or (b) Schedule E/F as "unsecured" or "does not constitute an admission by the Debtor of the legal rights of the claimant or a waiver of the Debtor's right to recharacterize or reclassify such claims or to setoff of such claims."

**Claims Description.** Schedules D and E/F permit the Debtor to designate a claim as "disputed," "contingent" and/or "unliquidated." Any failure to designate a claim on a given Debtor's Schedules as "disputed," "contingent" or "unliquidated" does not constitute an admission by the Debtor that such amount is not "disputed," "contingent" or "unliquidated," or that such claim is not subject to objection. The Debtor reserves all of her rights to dispute, or assert offsets or defenses to, any claim reflected on their respective Schedules and Statement on any grounds, including liability or classification. Additionally, the Debtor expressly reserves all of her rights to subsequently designate such claims as "disputed," "contingent" or "unliquidated." Moreover,

listing a claim does not constitute an admission of liability by the Debtor. Third parties have asserted, in various litigation, that Debtor may have claims that the Debtor does not believe exist. To the extent known, such alleged claims have been listed and have been designated in such a manner to disclose, for notice purposes, the alleged claims but do not constitute an admission that such claim(s) exist. Due to the complexity and magnitude of pre-petition litigation, additional claims may exist that Debtor is not currently aware of, and Debtor reserves the right to further list such claims and to dispute the existence of claims that third parties assert.

**Causes of Action.** Despite considerable and reasonable efforts, and due to the complexity and magnitude of pre-petition litigation, the Debtor may not have identified and/or set forth all of her (filed or potential) causes of action against third parties as assets in her Schedules and Statement. The Debtor reserves all of her rights with respect to any causes of action against third parties and nothing in the Global Notes or the Schedules and Statement shall be deemed a waiver of any such causes of action which are expressly reserved.

**Summary of Significant Reporting Policies.** The following is a summary of significant reporting policies:

- a. **Undetermined Amounts.** The description of an amount as “unknown,” “TBD” or “undetermined” is not intended to reflect upon the materiality of such amount.
- b. **Totals.** All totals that are included in the Schedules and Statement represent totals of all known amounts. To the extent there are unknown or undetermined amounts, the actual total may be different than the listed total. Additionally, the existence of values determined to be “unknown” at this time may reflect asset values as \$0, even though such assets may have value.

**Global Notes Control.** In the event that the Schedules and Statement differ from the foregoing Global Notes, the Global Notes shall control.

### **Specific Disclosures with Respect to the Debtors' Schedules**

Schedule I and J - Debtor and her spouse have a pre-marital agreement that has been confirmed by a court of competent jurisdiction which negates any community property. Additionally, Debtor's obligations are not consumer obligations as defined in 11 U.S.C. §101 (8), negating the application of the "Means Test". Schedules I and J request information on the Debtor's non-filing spouse's financial assets and income. Such information is not available to the Debtor, and is, accordingly not listed. Debtor's spouse has paid all of Debtor's regular living expenses from his separate property for a period of time, and those amounts are scheduled both as liabilities and as "income" to the Debtor for the purpose of these schedules.

Schedule A/B - Debtor owns an undivided interest in a condominium property with her non-filing spouse which was granted by gift, but has no parking rights or other contractual rights with respect to that property. To the extent that she is unable to value what an undivided interest would be in such a property, it is scheduled as "Unknown" and shows as \$0 in summary reflections of values. Debtor is unable to value this interest due to the nature of it. The amount reflected for this property as the "current value" is based upon the Travis County Appraisal District value for the entire property, not Debtor's undivided one half interest. Such value designation is also reflected in her exemption elections in the same fashion.

Schedule A/B - Debtor has listed the value of her personal property items, such as household goods, wearing apparel, electronics based upon the information that was available for such items by a review of public information. In the absence of other market information, Debtor has estimated the values at 10% of the purchase price where known.

Schedule A/B - Debtor has scheduled a number of claims that are contingent and unliquidated. Additionally, Debtor has identified claims that third parties, in various litigation, may have suggested that she owns (and which Debtor does not agree exist). Given the nature of the claims and the length and magnitude of pre-petition litigation, Debtor cannot be certain all such claims which third parties assert she may have the right to assert have been identified, and reserves the right to amend or supplement these schedules to the extent that they are subsequently identified. Debtor is currently unable to value these claims individually or collectively due to the inability to estimate the cost of asserting them and the likely success or collectability of such claims, and as a consequence, has listed the value collectively as "unknown". Such claims may potentially also offset claims asserted by various creditors, and Debtor has attempted to reflect such offset rights in the Schedules as filed.

*[Remainder of page intentionally left blank.]*

**Fill in this information to identify your case and this filing:**

Debtor 1	<u>Only</u>	<u>Genger</u>	
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: <u>WESTERN DISTRICT OF TEXAS</u>			
Case number (if known)	<u>19-10926</u>		

☐ Check if this is an amended filing

Official Form 106A/B

**Schedule A/B: Property**

12/15

In each category, separately list and describe items. List an asset only once. If an asset fits in more than one category, list the asset in the category where you think it fits best. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In****1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?**

- ☐ No. Go to Part 2.  
☒ Yes. Where is the property?

1.1.

**210 Lavaca St., Unit 1903, Austin, TX  
78701**

**Condominium  
1/2 undivided interest as separate  
property**

**Travis**  
County

**What is the property?**

Check all that apply.

- ☐ Single-family home  
☐ Duplex or multi-unit building  
☒ Condominium or cooperative  
☐ Manufactured or mobile home  
☐ Land  
☐ Investment property  
☐ Timeshare  
☒ Other See description above

**Who has an interest in the property?**

Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

**Current value of the  
entire property?**

\$2,466,974.00

**Current value of the  
portion you own?**

Unknown

**Describe the nature of your ownership  
interest (such as fee simple, tenancy by the  
entireties, or a life estate), if known.**

**Homestead - Separate prop**

☐ Check if this is community property  
(see instructions)

**Other information you wish to add about this item, such as local  
property identification number:**

**2. Add the dollar value of the portion you own for all of your entries from Part 1, including any entries for pages you have attached for Part 1. Write that number here.....**

**\$0.00\***

\*Valuation shows as \$0 because value is unknown.

**Part 2: Describe Your Vehicles**

Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. If you lease a vehicle, also report it on *Schedule G: Executory Contracts and Unexpired Leases*.

**3. Cars, vans, trucks, tractors, sport utility vehicles, motorcycles**

- ☒ No  
☐ Yes

**4. Watercraft, aircraft, motor homes, ATVs and other recreational vehicles, other vehicles, and accessories**

*Examples:* Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories

- ☒ No  
☐ Yes

**5. Add the dollar value of the portion you own for all of your entries from Part 2, including any entries for pages you have attached for Part 2. Write that number here.....****\$0.00****Part 3: Describe Your Personal and Household Items**

Do you own or have any legal or equitable interest in any of the following items?

**Current value of the  
portion you own?**  
Do not deduct secured  
claims or exemptions.

**6. Household goods and furnishings**

*Examples:* Major appliances, furniture, linens, china, kitchenware

- ☐ No  
☒ Yes. Describe.....

**See attached Exhibit 1****\$2,075.00****7. Electronics**

*Examples:* Televisions and radios; audio, video, stereo, and digital equipment; computers, printers, scanners; music collections; electronic devices including cell phones, cameras, media players, games

- ☐ No  
☒ Yes. Describe.....

**See attached Exhibit 2****\$795.00****8. Collectibles of value**

*Examples:* Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; stamp, coin, or baseball card collections; other collections, memorabilia, collectibles

- ☐ No  
☒ Yes. Describe.....

**Alfredo Jaar (chilean born 1956). Searching for Gramsci, 2004. Inkjet print with silkscreen text on paper, 22 x 30 in (55.9 x 76.2 cm)****\$1,000.00****9. Equipment for sports and hobbies**

*Examples:* Sports, photographic, exercise, and other hobby equipment; bicycles, pool tables, golf clubs, skis; canoes and kayaks; carpentry tools; musical instruments

- ☒ No  
☐ Yes. Describe.....

**10. Firearms**

*Examples:* Pistols, rifles, shotguns, ammunition, and related equipment

- ☒ No  
☐ Yes. Describe.....

**11. Clothes**

*Examples:* Everyday clothes, furs, leather coats, designer wear, shoes, accessories

- ☐ No  
☒ Yes. Describe.....

**See attached Exhibit 3****\$8,134.00**

Debtor 1 Orly GengerCase number (if known) 19-10926**12. Jewelry***Examples:* Everyday jewelry, costume jewelry, engagement rings, wedding rings, heirloom jewelry, watches, gems, gold, silver☐ No☒ Yes. Describe..... See attached Exhibit 4 \$5,543.00**13. Non-farm animals***Examples:* Dogs, cats, birds, horses☒ No☐ Yes. Describe..... \_\_\_\_\_**14. Any other personal and household items you did not already list, including any health aids you did not list**☒ No☐ Yes. Give specific information..... \_\_\_\_\_**15. Add the dollar value of all of your entries from Part 3, including any entries for pages you have attached for Part 3. Write the number here.....****→ \$17,547.00****Part 4: Describe Your Financial Assets**

Do you own or have any legal or equitable interest in any of the following?

Current value of the  
portion you own?  
Do not deduct secured  
claims or exemptions.**16. Cash***Examples:* Money you have in your wallet, in your home, in a safe deposit box, and on hand when you file your petition☐ No☒ Yes..... Cash: \$20.00**17. Deposits of money***Examples:* Checking, savings, or other financial accounts; certificates of deposit; shares in credit unions, brokerage houses, and other similar institutions. If you have multiple accounts with the same institution, list each.☒ No☐ Yes..... Institution name: \_\_\_\_\_**18. Bonds, mutual funds, or publicly traded stocks***Examples:* Bond funds, investment accounts with brokerage firms, money market accounts☒ No☐ Yes..... Institution or issuer name: \_\_\_\_\_**19. Non-publicly traded stock and interests in incorporated and unincorporated businesses, including an interest in an LLC, partnership, and joint venture**☐ No☒ Yes. Give specific information about them.....

Name of entity:

% of ownership:

Everything Important LLC48%\$0.00OGJM Inc., an S corporation50%\$0.00

**20. Government and corporate bonds and other negotiable and non-negotiable instruments**

*Negotiable instruments* include personal checks, cashiers' checks, promissory notes, and money orders.  
*Non-negotiable instruments* are those you cannot transfer to someone by signing or delivering them.

- ☒ No  
☐ Yes. Give specific information about them..... Issuer name:

**21. Retirement or pension accounts**

*Examples:* Interests in IRA, ERISA, Keogh, 401(k), 403(b), thrift savings accounts, or other pension or profit-sharing plans

- ☐ No  
☒ Yes. List each account separately. Type of account: Institution name:

IRA: IRA - Morgan Stanley \$8,282.00

**22. Security deposits and prepayments**

Your share of all unused deposits you have made so that you may continue service or use from a company  
*Examples:* Agreements with landlords, prepaid rent, public utilities (electric, gas, water), telecommunications companies, or others

- ☐ No  
☒ Yes..... Institution name or individual:  
Other: Retainer with Waller Lansden Dortch & Davis, LLP \$20,000.00

**23. Annuities** (A contract for a specific periodic payment of money to you, either for life or for a number of years)

- ☒ No  
☐ Yes..... Issuer name and description:

**24. Interests in an education IRA, in an account in a qualified ABLE program, or under a qualified state tuition program.**

26 U.S.C. §§ 530(b)(1), 529A(b), and 529(b)(1).

- ☒ No  
☐ Yes..... Institution name and description. Separately file the records of any interests. 11 U.S.C. § 521(c)

**25. Trusts, equitable or future interests in property (other than anything listed in line 1), and rights or powers exercisable for your benefit**

- ☐ No  
☒ Yes. Give specific information about them See continuation page(s). Unknown

**26. Patents, copyrights, trademarks, trade secrets, and other intellectual property;**

*Examples:* Internet domain names, websites, proceeds from royalties and licensing agreements

- ☒ No  
☐ Yes. Give specific information about them

**27. Licenses, franchises, and other general intangibles**

*Examples:* Building permits, exclusive licenses, cooperative association holdings, liquor licenses, professional licenses

- ☒ No  
☐ Yes. Give specific information about them



Debtor 1 Orly GengerCase number (if known) 19-10926**Money or property owed to you?****Current value of the  
portion you own?**  
Do not deduct secured  
claims or exemptions.**28. Tax refunds owed to you**

- ☐ No
- ☒ Yes. Give specific information  
about them, including whether  
you already filed the returns  
and the tax years.....

**Federal: Overpayment of 2017 tax elected to  
carryforward toward 2018 tax liability,. Amt: \$8,325.00****State: Overpayment of 2017 tax elected to carryforward  
toward 2018 tax liability for New York State. Amt:  
\$2,109.00**Federal: \$8,325.00State: \$2,109.00Local: \$0.00**29. Family support***Examples:* Past due or lump sum alimony, spousal support, child support, maintenance, divorce settlement, property settlement

- ☒ No
- ☐ Yes. Give specific information

Alimony: \_\_\_\_\_

Maintenance: \_\_\_\_\_

Support: \_\_\_\_\_

Divorce settlement: \_\_\_\_\_

Property settlement: \_\_\_\_\_

**30. Other amounts someone owes you***Examples:* Unpaid wages, disability insurance payments, disability benefits, sick pay, vacation pay, workers' compensation, Social Security benefits; unpaid loans you made to someone else

- ☒ No
- ☐ Yes. Give specific information

**31. Interests in insurance policies***Examples:* Health, disability, or life insurance; health savings account (HSA); credit, homeowner's, or renter's insurance

- ☐ No
- ☒ Yes. Name the insurance  
company of each policy  
and list its value.....

Company name:

Beneficiary:

Surrender or refund value:

UHC (Health)Orly Genger (Family  
Coverage)\$0.00**32. Any interest in property that is due you from someone who has died**

If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently entitled to receive property because someone has died

- ☒ No
- ☐ Yes. Give specific information

**33. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment***Examples:* Accidents, employment disputes, insurance claims, or rights to sue

- ☐ No
- ☒ Yes. Describe each claim.....

See continuation page(s).Unknown**34. Other contingent and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims**

- ☐ No
- ☒ Yes. Describe each claim.....

See continuation pagesUnknown

## 35. Any financial assets you did not already list

☐ No☒ Yes. Give specific information See continuation page(s).\$344.77

## 36. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached for Part 4. Write that number here..... →

\$39,080.77**Part 5: Describe Any Business-Related Property You Own or Have an Interest In. List any real estate in Part 1.**

## 37. Do you own or have any legal or equitable interest in any business-related property?

☒ No. Go to Part 6.☐ Yes. Go to line 38.

Current value of the  
portion you own?  
Do not deduct secured  
claims or exemptions.

## 38. Accounts receivable or commissions you already earned

☒ No☐ Yes. Describe.. 

## 39. Office equipment, furnishings, and supplies

Examples: Business-related computers, software, modems, printers, copiers, fax machines, rugs, telephones,  
desks, chairs, electronic devices

☒ No☐ Yes. Describe.. 

## 40. Machinery, fixtures, equipment, supplies you use in business, and tools of your trade

☒ No☐ Yes. Describe.. 

## 41. Inventory

☒ No☐ Yes. Describe.. 

## 42. Interests in partnerships or joint ventures

☒ No☐ Yes. Describe..... Name of entity: % of ownership: 

## 43. Customer lists, mailing lists, or other compilations

☒ No☐ Yes. Do your lists include personally identifiable information (as defined in 11 U.S.C. § 101(41A))?☐ No☐ Yes. Describe.... 

## 44. Any business-related property you did not already list

☒ No☐ Yes. Give specific information.

## 45. Add the dollar value of all of your entries from Part 5, including any entries for pages you have attached for Part 5. Write that number here..... →

\$0.00

**Part 6: Describe Any Farm- and Commercial Fishing-Related Property You Own or Have an Interest In.**  
If you own or have an interest in farmland, list it in Part 1.

46. Do you own or have any legal or equitable interest in any farm- or commercial fishing-related property?

- ☒ No. Go to Part 7.  
☐ Yes. Go to line 47.

Current value of the  
portion you own?  
Do not deduct secured  
claims or exemptions.

47. **Farm animals***Examples: Livestock, poultry, farm-raised fish*

- ☒ No  
☐ Yes....

48. **Crops--either growing or harvested**

- ☒ No  
☐ Yes. Give specific  
information.....

49. **Farm and fishing equipment, implements, machinery, fixtures, and tools of trade**

- ☒ No  
☐ Yes....

50. **Farm and fishing supplies, chemicals, and feed**

- ☒ No  
☐ Yes....

51. **Any farm- and commercial fishing-related property you did not already list**

- ☒ No  
☐ Yes. Give specific  
information.....

52. Add the dollar value of all of your entries from Part 6, including any entries for pages you have attached for Part 6. Write that number here..... →

**\$0.00****Part 7: Describe All Property You Own or Have an Interest in That You Did Not List Above**

53. Do you have other property of any kind you did not already list?

*Examples: Season tickets, country club membership*

- ☒ No  
☐ Yes. Give specific information.

54. Add the dollar value of all of your entries from Part 7. Write that number here..... →

**\$0.00**

Debtor 1 Orly Genger

Case number (if known) 19-10926

**Part 8: List the Totals of Each Part of this Form**

55. Part 1: Total real estate, line 2.....	→	<u>\$0.00</u>
56. Part 2: Total vehicles, line 5	<u>\$0.00</u>	
57. Part 3: Total personal and household items, line 15	<u>\$17,547.00</u>	
58. Part 4: Total financial assets, line 36	<u>\$39,080.77</u>	
59. Part 5: Total business-related property, line 45	<u>\$0.00</u>	
60. Part 6: Total farm- and fishing-related property, line 52	<u>\$0.00</u>	
61. Part 7: Total other property not listed, line 54	<u>+</u> <u>\$0.00</u>	
62. Total personal property. Add lines 56 through 61.....	<div style="border: 1px solid black; padding: 2px;"><u>\$56,627.77</u></div>	Copy personal property total → <u>+</u> <u>\$56,627.77</u>
63. Total of all property on Schedule A/B. Add line 55 + line 62.....		<div style="border: 2px solid black; padding: 2px;"><u>\$56,627.77</u></div>

**25. Trusts, equitable or future interests in property (details):**

Beneficial Interest in The Orly Genger 2007 Family Trust	<u>Unknown</u>
Beneficial Interest in The Orly Genger 1993 Trust	<u>Unknown</u>
Beneficial Interest in The Arie Genger 1995 Life Insurance Trust	<u>Unknown</u>

**33. Claims against third parties (details):**

Claims against Sagi Genger and related or affiliated entities or transferees or individuals	<u>Unknown</u>
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Claims against Dalia Genger and related or affiliated entities or transferees and Dalia Genger As Trustee	<u>Unknown</u>
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Claims against Zeichner Ellman & Krause LP for legal malpractice	<u>Unknown</u>
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Third party claims have been asserted by Sagi Genger in Dalia Genger v. Sagi Genger v. Orly Genger, Index No. 1:17cv8181, United States District Court, Southern District of New York (Debtor asserts that no claims by her exists in this action)	<u>Unknown</u>
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Manhattan Safety Maine Inc. and Recovery Effort, Inc. vs. Michael Bowen, et al. Civil Action 19-5642, United States District Court, Southern District of New York (Debtor asserts no claims by her exists in this action).	<u>Unknown</u>
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Recovery Effort, Inc. vs. Zeichner Ellman & Krause et al.; Case No. 19CV5641 United States District Court, Southern District of New York (Debtor asserts no claims by her exists in this action).	<u>Unknown</u>
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*Captions of cases where claims have been asserted are attached to this supplement as Exhibit 5	<u>\$0.00</u>
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Claims against past or present trustees to the Orly Genger 1993 Trust	<u>Unknown</u>
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Claims against TPR Investment Associates, Inc.	<u>Unknown</u>
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Claims against Robin Rodriguez	<u>Unknown</u>
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Claims against Manhattan Safety Maine, Inc. and Recovery Effort, Inc.	<u>Unknown</u>
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Claims against David Parnes	<u>Unknown</u>
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Claims against D&K Limited Partnership	<u>Unknown</u>
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**35. Any financial assets you did not already list (details):**

Morgan Stanley (expired check)	<u>\$191.43</u>
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Vanguard (expired check)	<u>\$0.23</u>
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Vanguard (expired check)	<u>\$153.11</u>
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**Fill in this information to identify your case:**

Debtor 1	<b>Only</b>	<b>Genger</b>	
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: <b>WESTERN DISTRICT OF TEXAS</b>			
Case number (if known)	<b>19-10926</b>		

☐ Check if this is an amended filing
**Official Form 106C****Schedule C: The Property You Claim as Exempt****04/19**

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions--such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds--may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

**Part 1: Identify the Property You Claim as Exempt**

1. Which set of exemptions are you claiming? *Check one only, even if your spouse is filing with you.*

- ☒ You are claiming state and federal nonbankruptcy exemptions. 11 U.S.C. § 522(b)(3)  
☐ You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

Brief description of the property and line on <i>Schedule A/B</i> that lists this property	Current value of the portion you own	Amount of the exemption you claim	Specific laws that allow exemption
	Copy the value from <i>Schedule A/B</i>	Check only one box for each exemption	
Brief description: <b>Condominium</b> <b>1/2 undivided interest as separate property</b> Line from <i>Schedule A/B</i> : <b>1.1</b>	<b>Unknown</b>	<input type="checkbox"/> <input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	<b>Tex. Prop. Code § 41.0021</b>
Brief description: <b>See attached Exhibit 1</b> Line from <i>Schedule A/B</i> : <b>6</b>	<b>\$2,075.00</b>	<input type="checkbox"/> <input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	<b>Tex. Prop. Code §§ 42.001(a), 42.002(a)(1)</b>
Brief description: <b>See attached Exhibit 2</b> Line from <i>Schedule A/B</i> : <b>7</b>	<b>\$795.00</b>	<input type="checkbox"/> <input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	<b>Tex. Prop. Code §§ 42.001(a), 42.002(a)(1)</b>

3. Are you claiming a homestead exemption of more than \$170,350?

(Subject to adjustment on 4/01/22 and every 3 years after that for cases filed on or after the date of adjustment.)

- ☒ No  
☐ Yes. Did you acquire the property covered by the exemption within 1,215 days before you filed this case?  
☐ No  
☐ Yes

**Part 2: Additional Page**

Brief description of the property and line on Schedule A/B that lists this property	Current value of the portion you own	Amount of the exemption you claim	Specific laws that allow exemption
	Copy the value from Schedule A/B	Check only one box for each exemption	
Brief description: <b>Alfredo Jaar (chilean born 1956). Searching for Gramsci, 2004. Inkjet print with silkscreen text on paper, 22 x 30 in (55.9 x 76.2 cm)</b> Line from Schedule A/B: <u>8</u>	<u>\$1,000.00</u>	<input type="checkbox"/> <u>                    </u> <input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Tex. Prop. Code §§ 42.001(a), 42.002(a)(1)
Brief description: <b>See attached Exhibit 3</b> Line from Schedule A/B: <u>11</u>	<u>\$8,134.00</u>	<input type="checkbox"/> <u>                    </u> <input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Tex. Prop. Code §§ 42.001(a), 42.002(a)(5)
Brief description: <b>See attached Exhibit 4</b> Line from Schedule A/B: <u>12</u>	<u>\$5,543.00</u>	<input type="checkbox"/> <u>                    </u> <input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Tex. Prop. Code §§ 42.001(a), 42.002(a)(6)
Brief description: <b>IRA - Morgan Stanley</b> Line from Schedule A/B: <u>21</u>	<u>\$8,282.00</u>	<input type="checkbox"/> <u>                    </u> <input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Tex. Prop. Code § 42.0021

**Fill in this information to identify your case:**

Debtor 1	<u>Orly</u>		<u>Genger</u>
	First Name	Middle Name	Last Name
Debtor 2			
(Spouse, if filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: <u>WESTERN DISTRICT OF TEXAS</u>			
Case number	<u>19-10926</u>		
(if known)			

☐ Check if this is an amended filing

Official Form 106D

**Schedule D: Creditors Who Have Claims Secured by Property**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, number the entries, and attach it to this form. On the top of any additional pages, write your name and case number (if known).

**1. Do any creditors have claims secured by your property?**

- ☐ No. Check this box and submit this form to the court with your other schedules. You have nothing else to report on this form.
- ☒ Yes. Fill in all of the information below.

**Part 1: List All Secured Claims**

- 2. List all secured claims.** If a creditor has more than one secured claim, list the creditor separately for each claim. If more than one creditor has a particular claim, list the other creditors in Part 2. As much as possible, list the claims in alphabetical order according to the creditor's name.

Column A  
**Amount of claim**  
Do not deduct the value of collateral

Column B  
**Value of collateral that supports this claim**

Column C  
**Unsecured portion**  
If any

2.1  
**Arie Genger**  
Creditor's name  
17001 Collins Ave., Apt. 2805  
Number Street

Describe the property that secures the claim:

**Personal Property**

\$5,451,389.27

\*unknown

\*unknown

**Sunny Isles** **FL** **33160**  
City State ZIP Code

**As of the date you file, the claim is:** Check all that apply.

- ☐ Contingent  
☐ Unliquidated  
☐ Disputed

**Who owes the debt?** Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim relates to a community debt

**Nature of lien.** Check all that apply.

- ☒ An agreement you made (such as mortgage or secured car loan)  
☐ Statutory lien (such as tax lien, mechanic's lien)  
☐ Judgment lien from a lawsuit  
☒ Other (including a right to offset)

**Lien on personal property**

Date debt was incurred 2007-2019 Last 4 digits of account number \_\_\_\_\_

\*Value is speculative

Add the dollar value of your entries in Column A on this page. Write that number here:

\$5,451,389.27



Debtor 1 Orly GengerCase number (if known) 19-10926**Part 1:****Additional Page**

After listing any entries on this page, number them sequentially from the previous page.

Column A

**Amount of claim**  
Do not deduct the  
value of collateral

Column B

**Value of collateral**  
that supports this  
claim

Column C

**Unsecured  
portion**  
If any

2.2

Describe the property that  
secures the claim:\$2,301,399.48\*unknown\*unknownEric Herschmann

Creditor's name

210 Lavaca St., Unit 1903

Number Street

**Contingent lien on Debtor's  
interest in condominium****As of the date you file, the claim is:** Check all that apply.

- ☐ Contingent  
☐ Unliquidated  
☐ Disputed

Austin TX 78701

City State ZIP Code

**Who owes the debt?** Check one.

- ☐ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☒ At least one of the debtors and another

**Nature of lien.** Check all that apply.

- ☒ An agreement you made (such as mortgage or secured car loan)  
☐ Statutory lien (such as tax lien, mechanic's lien)  
☐ Judgment lien from a lawsuit  
☒ Other (including a right to offset)

**\*Lien on condominium is only to extent determined not to be exempt**☐ Check if this claim relates  
to a community debtDate debt was incurred 12/30/2016 Last 4 digits of account number \_\_\_\_\_

\*Value is speculative

\*\*at least

Add the dollar value of your entries in Column A on this page. Write  
that number here:\$2,301,399.48If this is the last page of your form, add the dollar value totals from  
all pages. Write that number here:\$7,752,788.75

**Fill in this information to identify your case:**

Debtor 1	<u>Only</u>	<u>Genger</u>	
	First Name	Middle Name	Last Name
Debtor 2			
(Spouse, if filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: <u>WESTERN DISTRICT OF TEXAS</u>			
Case number	<u>19-10926</u>		
(if known)			

☐ Check if this is an amended filing

Official Form 106E/F

**Schedule E/F: Creditors Who Have Unsecured Claims**

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY claims and Part 2 for creditors with NONPRIORITY claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on *Schedule A/B: Property* (Official Form 106A/B) and on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 106G). Do not include any creditors with partially secured claims that are listed in *Schedule D: Creditors Who Hold Claims Secured by Property*. If more space is needed, copy the Part you need, fill it out, number the entries in the boxes on the left. Attach the Continuation Page to this page. On the top of any additional pages, write your name and case number (if known).

**Part 1: List All of Your PRIORITY Unsecured Claims****1. Do any creditors have priority unsecured claims against you?**

- ☒ No. Go to Part 2.  
☐ Yes.

**2. List all of your priority unsecured claims.** If a creditor has more than one priority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. If a claim has both priority and nonpriority amounts, list that claim here and show both priority and nonpriority amounts. As much as possible, list the claims in alphabetical order according to the creditor's name. If more space is needed for priority unsecured claims, fill out the Continuation Page of Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3.

(For an explanation of each type of claim, see the instructions for this form in the instruction booklet.)

Total claim	Priority amount	Nonpriority amount
-------------	-----------------	--------------------

2.1

Priority Creditor's Name

Last 4 digits of account number

Number Street

When was the debt incurred?

City State ZIP Code

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent  
☐ Unliquidated  
☐ Disputed

Who incurred the debt? Check one.

- ☐ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim is for a community debt

Type of PRIORITY unsecured claim:

- ☐ Domestic support obligations  
☐ Taxes and certain other debts you owe the government  
☐ Claims for death or personal injury while you were intoxicated  
☐ Other. Specify

Is the claim subject to offset?

- ☐ No  
☐ Yes

**Part 2: List All of Your NONPRIORITY Unsecured Claims****3. Do any creditors have nonpriority unsecured claims against you?**

- ☐ No. You have nothing to report in this part. Submit this form to the court with your other schedules.  
☒ Yes

**4. List all of your nonpriority unsecured claims in the alphabetical order of the creditor who holds each claim.**

If a creditor has more than one nonpriority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. Do not list claims already included in Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. If more space is needed for nonpriority unsecured claims, fill out the Continuation Page of Part 2.

**Total claim**Unknown**4.1****D&K GP LLC**

Nonpriority Creditor's Name

**c/o Ira Tokayer, Esq.**

Number Street

**420 Lexington Ave.****New York****NY****10170**

City State ZIP Code

**Who incurred the debt?** Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim is for a community debt

**Is the claim subject to offset?**

- ☐ No  
☒ Yes

Last 4 digits of account number

When was the debt incurred?

As of the date you file, the claim is: Check all that apply.

- ☒ Contingent  
☒ Unliquidated  
☒ Disputed

**Type of NONPRIORITY unsecured claim:**

- ☐ Student loans  
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims  
☐ Debts to pension or profit-sharing plans, and other similar debts  
☒ Other. Specify

**Services****4.2****Dalia Genger**

Nonpriority Creditor's Name

**200 E. 65th St. 32w**

Number Street

**New York****NY****10021**

City State ZIP Code

**Who incurred the debt?** Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim is for a community debt

**Is the claim subject to offset?**

- ☐ No  
☒ Yes

Last 4 digits of account number

When was the debt incurred?

As of the date you file, the claim is: Check all that apply.

- ☒ Contingent  
☒ Unliquidated  
☒ Disputed

**Type of NONPRIORITY unsecured claim:**

- ☐ Student loans  
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims  
☐ Debts to pension or profit-sharing plans, and other similar debts  
☒ Other. Specify

**Claims made**Unknown

**Part 2: Your NONPRIORITY Unsecured Claims -- Continuation Page**

After listing any entries on this page, number them sequentially from the previous page.

**Total claim****4.3****\$1,457,751.00****Kasowitz, Benson, Torres LLP**

Nonpriority Creditor's Name

**Attn: Matthew Stein, Esq.**

Number Street

**1633 Broadway, 21st Floor****New York NY 10019**

City State ZIP Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☒ No  
☐ Yes

Last 4 digits of account number 1 1 9 4When was the debt incurred? 1/1/17-7/12/19

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent  
☐ Unliquidated  
☐ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans  
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims  
☐ Debts to pension or profit-sharing plans, and other similar debts  
☒ Other. Specify  
**Attorney Fees**

**4.4****\$750.00****Markel Surety**

Nonpriority Creditor's Name

**c/o Suretec Insurance Company**

Number Street

**5555 Garden Grove Blvd.****Suite 275****Westminster CT 92687**

City State ZIP Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☒ No  
☐ Yes

Court Bond in the sum of \$10,000.00

Last 4 digits of account number \_\_\_\_\_

When was the debt incurred? 9/21/2017 - 2019

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent  
☐ Unliquidated  
☐ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans  
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims  
☐ Debts to pension or profit-sharing plans, and other similar debts  
☒ Other. Specify  
**Services**

**4.5****Unknown****Orly Genger 1993 Trust**

Nonpriority Creditor's Name

**c/o Michael Oldner**

Number Street

**86 Pleasant Valley Dr.****#16****Little Rock AK 72227**

City State ZIP Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☐ No  
☒ Yes

Last 4 digits of account number \_\_\_\_\_

When was the debt incurred? \_\_\_\_\_

As of the date you file, the claim is: Check all that apply.

- ☒ Contingent  
☒ Unliquidated  
☒ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans  
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims  
☐ Debts to pension or profit-sharing plans, and other similar debts  
☒ Other. Specify  
**Claims Asserted by Trust**

Debtor 1 Orly GengerCase number (if known) 19-10926**Part 2: Your NONPRIORITY Unsecured Claims -- Continuation Page**

After listing any entries on this page, number them sequentially from the previous page.

**Total claim****4.6****\$3,219,693.00****Sagi Genger**

Nonpriority Creditor's Name

**c/o John Dellaportas**

Number Street

**Emmet, Marvin & Martin, LLP****120 Broadway, 32nd Floor****New York****NY****10271**

City State ZIP Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☐ No  
☒ Yes

Last 4 digits of account number \_\_\_\_\_

When was the debt incurred? \_\_\_\_\_

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent  
☐ Unliquidated  
☒ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans  
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims  
☐ Debts to pension or profit-sharing plans, and other similar debts  
☒ Other. Specify

**Judgment on appeal****4.7****Unknown****TPR Investment Associates Inc.**

Nonpriority Creditor's Name

**c/o John Dellaportas**

Number Street

**Emmet, Marvin & Martin, LLP****120 Broadway, 32nd Floor****New York****NY****10271**

City State ZIP Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☐ No  
☒ Yes

Last 4 digits of account number \_\_\_\_\_

When was the debt incurred? \_\_\_\_\_

As of the date you file, the claim is: Check all that apply.

- ☒ Contingent  
☒ Unliquidated  
☒ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans  
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims  
☐ Debts to pension or profit-sharing plans, and other similar debts  
☒ Other. Specify

**Claim****4.8****\$488,310.98****Zeichner Ellman & Krause LLP**

Nonpriority Creditor's Name

**1211 Avenue of the Americas**

Number Street

**40th Floor****New York****NY****10036**

City State ZIP Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☐ No  
☒ Yes

Last 4 digits of account number \_\_\_\_\_

When was the debt incurred? \_\_\_\_\_

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent  
☐ Unliquidated  
☒ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans  
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims  
☐ Debts to pension or profit-sharing plans, and other similar debts  
☒ Other. Specify

**Attorney Fees**

**Part 4: Add the Amounts for Each Type of Unsecured Claim**

6. Total the amounts of certain types of unsecured claims. This information is for statistical reporting purposes only.  
28 U.S.C. § 159. Add the amounts for each type of unsecured claim.

		Total claim
Total claims from Part 1	6a. Domestic support obligations	6a. <u>\$0.00</u>
	6b. Taxes and certain other debts you owe the government	6b. <u>\$0.00</u>
	6c. Claims for death or personal injury while you were intoxicated	6c. <u>\$0.00</u>
	6d. Other. Add all other priority unsecured claims. Write that amount here.	6d. + <u>\$0.00</u>
	6e. Total. Add lines 6a through 6d.	6d. <u>\$0.00</u>

		Total claim
Total claims from Part 2	6f. Student loans	6f. <u>\$0.00</u>
	6g. Obligations arising out of a separation agreement or divorce that you did not report as priority claims	6g. <u>\$0.00</u>
	6h. Debts to pension or profit-sharing plans, and other similar debts	6h. <u>\$0.00</u>
	6i. Other. Add all other nonpriority unsecured claims. Write that amount here.	6i. + <u>\$5,166,504.98</u>
	6j. Total. Add lines 6f through 6i.	6j. <u>\$5,166,504.98</u>

**Fill in this information to identify your case:**

Debtor 1	<u>Orly</u>		<u>Genger</u>
	First Name	Middle Name	Last Name
Debtor 2			
(Spouse, if filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: <u>WESTERN DISTRICT OF TEXAS</u>			
Case number	<u>19-10926</u>		
(if known)			

☐ Check if this is an amended filing

Official Form 106G

**Schedule G: Executory Contracts and Unexpired Leases**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the additional page, fill it out, number the entries, and attach it to this page. On the top of any additional pages, write your name and case number (if known).

1. Do you have any executory contracts or unexpired leases?

- ☒ No. Check this box and file this form with the court with your other schedules. You have nothing else to report on this form.
- ☐ Yes. Fill in all of the information below even if the contracts or leases are listed on *Schedule A/B: Property* (Official Form 106A/B).

2. List separately each person or company with whom you have the contract or lease. Then state what each contract or lease is for (for example, rent, vehicle lease, cell phone). See the instructions for this form in the instruction booklet for more examples of executory contracts and unexpired leases.

Person or company with whom you have the contract or lease

State what the contract or lease is for

**Fill in this information to identify your case:**

Debtor 1	<u>Orly</u>	<u>Genger</u>
	First Name	Middle Name Last Name
Debtor 2		
(Spouse, if filing)	First Name	Middle Name Last Name
United States Bankruptcy Court for the: <u>WESTERN DISTRICT OF TEXAS</u>		
Case number	<u>19-10926</u>	
(if known)		

☐ Check if this is an amended filing**Official Form 106H****Schedule H: Your Codebtors****12/15**

Codebtors are people or entities who are also liable for any debts you may have. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, and number the entries in the boxes on the left. Attach the Additional Page to this page. On the top of any Additional Pages, write your name and case number (if known). Answer every question.

1. Do you have any codebtors? (If you are filing a joint case, do not list either spouse as a codebtor.)
- ☐ No
- ☒ Yes
2. Within the last 8 years, have you lived in a community property state or territory? (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.)
- ☐ No. Go to line 3.
- ☒ Yes. Did your spouse, former spouse, or legal equivalent live with you at the time?
- ☐ No
- ☒ Yes
- In which community state or territory did you live? Texas Fill in the name and current address of that person.
- Eric Herschmann  
Name of your spouse, former spouse, or legal equivalent
- 210 Lavaca St.  
Number Street
- Unit 1903
- Austin TX 78701  
City State ZIP Code
3. In Column 1, list all of your codebtors. Do not include your spouse as a codebtor if your spouse is filing with you. List the person shown in line 2 again as a codebtor only if that person is a guarantor or cosigner. Make sure you have listed the creditor on Schedule D (Official Form 106D), Schedule E/F (Official Form 106E/F), or Schedule G (Official Form 106G). Use Schedule D, Schedule E/F, or Schedule G to fill out Column 2.

Column 1: Your codebtor

Column 2: The creditor to whom you owe the debt

Check all schedules that apply:

3.1	<u>Arie Genger</u>
	Name
	<u>17001 Collins Ave., Apt. 2805</u>
	Number Street
	<u>Sunny Isles</u> <u>FL</u> <u>33160</u>
	City State ZIP Code

☒ Schedule D, line 2.2

☐ Schedule E/F, line \_\_\_\_\_

☐ Schedule G, line \_\_\_\_\_

**Eric Herschmann**



**Fill in this information to identify your case:**

Debtor 1	<b>Orly</b>	<b>Genger</b>
	First Name	Middle Name Last Name
Debtor 2 (Spouse, if filing)	First Name	Middle Name Last Name
United States Bankruptcy Court for the: <b>WESTERN DISTRICT OF TEXAS</b>		
Case number (if known)	<b>19-10926</b>	

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing postpetition chapter 13 income as of the following date:

MM / DD / YYYY

Official Form 106I

**Schedule I: Your Income**

12/15

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Describe Employment****1. Fill in your employment information.**

If you have more than one job, attach a separate page with information about additional employers.

Include part-time, seasonal, or self-employed work.

Occupation may include student or homemaker, if it applies.

**Employment status****Occupation****Employer's name****Employer's address****Debtor 1**

- ☐ Employed
- ☒ Not employed

Number Street

City

State Zip Code

How long employed there?

**Debtor 2 or non-filing spouse**

- ☒ Employed
- ☐ Not employed

**Attorney****Kasowitz Benson Torres LLP****1633 Broadway, 21st Floor**

Number Street

**New York, NY 10019**

City

State Zip Code

**1996-present****Part 2: Give Details About Monthly Income**

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	For Debtor 1	For Debtor 2 or non-filing spouse
2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	2. <b>\$0.00</b>	*
3. Estimate and list monthly overtime pay.	3. + <b>\$0.00</b>	*
4. Calculate gross income. Add line 2 + line 3.	4. <b>\$0.00</b>	

	For Debtor 1	For Debtor 2 or non-filing spouse
Copy line 4 here ..... → 4.	<u>\$0.00</u>	*
5. List all payroll deductions:		
5a. Tax, Medicare, and Social Security deductions	5a. <u>\$0.00</u>	*
5b. Mandatory contributions for retirement plans	5b. <u>\$0.00</u>	*
5c. Voluntary contributions for retirement plans	5c. <u>\$0.00</u>	*
5d. Required repayments of retirement fund loans	5d. <u>\$0.00</u>	*
5e. Insurance	5e. <u>\$0.00</u>	*
5f. Domestic support obligations	5f. <u>\$0.00</u>	*
5g. Union dues	5g. <u>\$0.00</u>	*
5h. Other deductions. Specify: _____	5h. + <u>\$0.00</u>	*
6. Add the payroll deductions. Add lines 5a + 5b + 5c + 5d + 5e + 5f + 5g + 5h.	6. <u>\$0.00</u>	*
7. Calculate total monthly take-home pay. Subtract line 6 from line 4.	7. <u>\$0.00</u>	*
8. List all other income regularly received:		
8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a. <u>\$0.00</u>	*
8b. Interest and dividends	8b. <u>\$0.00</u>	*
8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c. <u>\$0.00</u>	*
8d. Unemployment compensation	8d. <u>\$0.00</u>	*
8e. Social Security	8e. <u>\$0.00</u>	*
8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) or any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify: _____	8f. <u>\$0.00</u>	*
8g. Pension or retirement income	8g. <u>\$0.00</u>	*
8h. Other monthly income. Specify: _____	8h. + <u>\$0.00</u>	*
9. Add all other income. Add lines 8a + 8b + 8c + 8d + 8e + 8f + 8g + 8h.	9. <u>\$0.00</u>	*
10. Calculate monthly income. Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	10. <u>\$0.00</u> + <u>*</u> = <u>\$0.00</u>	
11. State all other regular contributions to the expenses that you list in Schedule J. Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives.		

Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in Schedule J.

Specify: Payment of on-going monthly expenses by non-filing spouse 11. + \$8,366.57

12. Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income. Write that amount on the Summary of Your Assets and Liabilities and Certain Statistical Information, if it applies. 12. \$8,366.57  
Combined monthly income

13. Do you expect an increase or decrease within the year after you file this form?

☒ No.

☐ Yes. Explain:

None.

**Fill in this information to identify your case:**

Debtor 1	<u>Orly</u>	<u>Genger</u>
	First Name	Middle Name Last Name
Debtor 2		
(Spouse, if filing)	First Name	Middle Name Last Name
United States Bankruptcy Court for the: <u>WESTERN DISTRICT OF TEXAS</u>		
Case number	<u>19-10926</u>	
(if known)		

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing postpetition chapter 13 expenses as of the following date:

MM / DD / YYYY**Official Form 106J****Schedule J: Your Expenses**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Describe Your Household****1. Is this a joint case?**

- ☒ No. Go to line 2.
- ☐ Yes. Does Debtor 2 live in a separate household?
- ☐ No
- ☐ Yes. Debtor 2 must file Official Form 106J-2, Expenses for Separate Household of Debtor 2.

**2. Do you have dependents?**☐ No☒ Yes. Fill out this information for each dependent.....

Do not list Debtor 1 and Debtor 2.

Do not state the dependents' names.

**Dependent's relationship to Debtor 1 or Debtor 2****Dependent's age****Does dependent live with you?**Daughter2☐ No  
☒ Yes☐ No  
☐ Yes☐ No  
☐ Yes☐ No  
☐ Yes☐ No  
☐ Yes**3. Do your expenses include expenses of people other than yourself and your dependents?**☒ No☐ Yes**Part 2: Estimate Your Ongoing Monthly Expenses**

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental Schedule J, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on Schedule I: Your Income (Official Form 106I.)

**Your expenses****4. The rental or home ownership expenses for your residence.**  
Include first mortgage payments and any rent for the ground or lot.4. \$0.00  
(Unknown)**If not included in line 4:**

4a. Real estate taxes

4a. \$2,021.73

4b. Property, homeowner's, or renter's insurance

4b. \$181.11

4c. Home maintenance, repair, and upkeep expenses

4c. \$450.00

4d. Homeowner's association or condominium dues

4d. \$1,485.64

Your expenses

5. Additional mortgage payments for your residence, such as home equity loans	5.	<u>\$0.00</u>
6. Utilities:		
6a. Electricity, heat, natural gas	6a.	<u>\$130.00</u>
6b. Water, sewer, garbage collection	6b.	<u>\$100.00</u>
6c. Telephone, cell phone, Internet, satellite, and cable services	6c.	<u>\$138.64</u>
6d. Other. Specify: _____	6d.	<u>\$0.00</u>
7. Food and housekeeping supplies	7.	<u>\$750.00</u>
8. Childcare and children's education costs	8.	<u>\$473.65</u>
9. Clothing, laundry, and dry cleaning	9.	<u>\$100.00</u>
10. Personal care products and services	10.	<u>\$100.00</u>
11. Medical and dental expenses	11.	<u>\$133.80</u>
12. Transportation. Include gas, maintenance, bus or train fare. Do not include car payments.	12.	<u>                    </u>
13. Entertainment, clubs, recreation, newspapers, magazines, and books	13.	<u>\$50.00</u>
14. Charitable contributions and religious donations	14.	<u>\$0.00</u>
15. Insurance. Do not include insurance deducted from your pay or included in lines 4 or 20.		
15a. Life insurance	15a.	<u>\$0.00</u>
15b. Health insurance	15b.	<u>\$2,252.00</u>
15c. Vehicle insurance	15c.	<u>\$0.00</u>
15d. Other insurance. Specify: _____	15d.	<u>\$0.00</u>
16. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: _____	16.	<u>\$0.00</u>
17. Installment or lease payments:		
17a. Car payments for Vehicle 1	17a.	<u>                    </u>
17b. Car payments for Vehicle 2	17b.	<u>                    </u>
17c. Other. Specify: _____	17c.	<u>                    </u>
17d. Other. Specify: _____	17d.	<u>                    </u>
18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).	18.	<u>                    </u>
19. Other payments you make to support others who do not live with you. Specify: _____	19.	<u>                    </u>
20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.		
20a. Mortgages on other property	20a.	<u>                    </u>
20b. Real estate taxes	20b.	<u>                    </u>
20c. Property, homeowner's, or renter's insurance	20c.	<u>                    </u>
20d. Maintenance, repair, and upkeep expenses	20d.	<u>                    </u>
20e. Homeowner's association or condominium dues	20e.	<u>                    </u>

Debtor 1 Orly Genger

Case number (if known) 19-10926

21. Other. Specify: \_\_\_\_\_ 21. + \_\_\_\_\_

**22. Calculate your monthly expenses.**

22a. Add lines 4 through 21.	22a.	<u>\$8,366.57</u>
22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2.	22b.	_____
22c. Add line 22a and 22b. The result is your monthly expenses.	22c.	<u>\$8,366.57</u>

**23. Calculate your monthly net income.**

23a. Copy line 12 (your combined monthly income) from Schedule I.	23a.	<u>\$8,366.57</u>
23b. Copy your monthly expenses from line 22c above.	23b.	<u>\$8,366.57</u>
23c. Subtract your monthly expenses from your monthly income. The result is your monthly net income.	23c.	<u>\$0.00</u>

**24. Do you expect an increase or decrease in your expenses within the year after you file this form?**

For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?

☒ No.

☐ Yes.

Explain here:

**None.**

**Fill in this information to identify your case:**

Debtor 1	<u>Orly</u>	<u></u>	<u>Genger</u>
	First Name	Middle Name	Last Name
Debtor 2	<u></u>	<u></u>	<u></u>
(Spouse, if filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: <u>WESTERN DISTRICT OF TEXAS</u>			
Case number (if known)	<u>19-10926</u>		

☐ Check if this is an amended filing**Official Form 106Sum****Summary of Your Assets and Liabilities and Certain Statistical Information**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new Summary and check the box at the top of this page.

**Part 1: Summarize Your Assets**

**Your assets**  
Value of what you own

1. *Schedule A/B: Property* (Official Form 106A/B)1a. Copy line 55, Total real estate, from Schedule A/B..... \$0.001b. Copy line 62, Total personal property, from Schedule A/B..... \$56,627.771c. Copy line 63, Total of all property on Schedule A/B..... \$56,627.77**Part 2: Summarize Your Liabilities**

**Your liabilities**  
Amount you owe

2. *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 106D)2a. Copy the total you listed in Column A, Amount of claim, at the bottom of the last page of Part 1 of Schedule D..... \$7,752,788.753. *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 106E/F)3a. Copy the total claims from Part 1 (priority unsecured claims) from line 6e of Schedule E/F..... \$0.003b. Copy the total claims from Part 2 (nonpriority unsecured claims) from line 6j of Schedule E/F..... + \$5,166,504.98**Your total liabilities**\$12,919,293.73**Part 3: Summarize Your Income and Expenses**4. *Schedule I: Your Income* (Official Form 106I)Copy your combined monthly income from line 12 of Schedule I..... \$8,366.575. *Schedule J: Your Expenses* (Official Form 106J)Copy your monthly expenses from line 22c of Schedule J..... \$8,366.57

**Part 4: Answer These Questions for Administrative and Statistical Records****6. Are you filing for bankruptcy under Chapters 7, 11, or 13?**

- ☐ No. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.
- ☒ Yes

**7. What kind of debt do you have?**

- ☐ **Your debts are primarily consumer debts.** *Consumer debts* are those "incurred by an individual primarily for a personal, family, or household purpose." 11 U.S.C. § 101(8). Fill out lines 8-9g for statistical purposes. 28 U.S.C. § 159.
- ☒ **Your debts are not primarily consumer debts.** You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.

**8. From the Statement of Your Current Monthly Income:** Copy your total current monthly income from Official Form 122A-1 Line 11; **OR**, Form 122B Line 11; **OR**, Form 122C-1 Line 14.

_____
-------

**9. Copy the following special categories of claims from Part 4, line 6 of Schedule E/F:****Total claim****From Part 4 on Schedule E/F, copy the following:**

9a. Domestic support obligations. (Copy line 6a.)

\_\_\_\_\_

9b. Taxes and certain other debts you owe the government. (Copy line 6b.)

\_\_\_\_\_

9c. Claims for death or personal injury while you were intoxicated. (Copy line 6c.)

\_\_\_\_\_

9d. Student loans. (Copy line 6f.)

\_\_\_\_\_

9e. Obligations arising out of a separation agreement or divorce that you did not report as priority claims. (Copy line 6g.)

\_\_\_\_\_

9f. Debts to pension or profit-sharing plans, and other similar debts. (Copy line 6h.)

+ \_\_\_\_\_

9g. **Total.** Add lines 9a through 9f.

_____
-------

**Fill in this information to identify your case:**

Debtor 1	<u>Orly</u>		<u>Genger</u>
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: <u>WESTERN DISTRICT OF TEXAS</u>			
Case number (if known)	<u>19-10926</u>		

☐ Check if this is an amended filing

Official Form 106Dec

**Declaration About an Individual Debtor's Schedules**

12/15

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

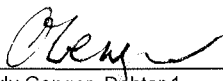
**Sign Below**

Did you pay or agree to pay someone who is NOT an attorney to help you fill out bankruptcy forms?

☒ No

☐ Yes. Name of person \_\_\_\_\_ Attach *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119).

Under penalty of perjury, I declare that I have read the summary and schedules filed with this declaration and that they are true and correct. \*subject to Global Notes attached.

X   
Orly Genger, Debtor 1

Date 08/08/2019  
MM / DD / YYYY

X \_\_\_\_\_  
Signature of Debtor 2

Date \_\_\_\_\_  
MM / DD / YYYY



**Fill in this information to identify your case:**

Debtor 1 Orly Genger  
First Name Middle Name Last Name

Debtor 2  
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: WESTERN DISTRICT OF TEXAS

Case number 19-10926  
(if known)

☐ Check if this is an amended filing

Official Form 107

**Statement of Financial Affairs for Individuals Filing for Bankruptcy**

04/19

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Give Details About Your Marital Status and Where You Lived Before****1. What is your current marital status?**

- ☒ Married  
☐ Not married

**2. During the last 3 years, have you lived anywhere other than where you live now?**

- ☐ No  
☒ Yes. List all of the places you lived in the last 3 years. Do not include where you live now.

Debtor 1:

Dates Debtor 1  
lived there

Debtor 2:

Dates Debtor 2  
lived there

☐ Same as Debtor 1

☐ Same as Debtor 1

Shim'on Rokah 35

From Various 9/16

From

Number Street

To 2/19

Number Street

To

Tel Aviv 65148

Israel

City State ZIP Code

City State ZIP Code

**3. Within the last 8 years, did you ever live with a spouse or legal equivalent in a community property state or territory?**

(Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.)

- ☐ No  
☒ Yes. Make sure you fill out *Schedule H: Your Creditors* (Official Form 106H).



**Part 3: List Certain Payments You Made Before You Filed for Bankruptcy****6. Are either Debtor 1's or Debtor 2's debts primarily consumer debts?**

- ☒ No. **Neither Debtor 1 nor Debtor 2 has primarily consumer debts.** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$6,825\* or more?

- ☒ No. Go to line 7.

- ☐ Yes. List below each creditor to whom you paid a total of \$6,825\* or more in one or more payments and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

\* Subject to adjustment on 4/01/22 and every 3 years after that for cases filed on or after the date of adjustment.

- ☐ Yes. **Debtor 1 or Debtor 2 or both have primarily consumer debts.**

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$600 or more?

- ☐ No. Go to line 7.

- ☐ Yes. List below each creditor to whom you paid a total of \$600 or more and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

**7. Within 1 year before you filed for bankruptcy, did you make a payment on a debt you owed anyone who was an insider?**

*Insiders* include your relatives; any general partners; relatives of any general partners; partnerships of which you are a general partner; corporations of which you are an officer, director, person in control, or owner of 20% or more of their voting securities; and any managing agent, including one for a business you operate as a sole proprietor. 11 U.S.C. § 101. Include payments for domestic support obligations such as child support and alimony.

- ☒ No

- ☐ Yes. List all payments to an insider.

**8. Within 1 year before you filed for bankruptcy, did you make any payments or transfer any property on account of a debt that benefited an insider?**

Include payments on debts guaranteed or cosigned by an insider.

- ☐ No

- ☒ Yes. List all payments that benefited an insider.

	Dates of payment	Total amount paid	Amount you still owe	Reason for this payment Include creditor's name
<b>Eric Herschmann</b> Insider's name <b>210 Lavaca St., Unit 1903</b> Number Street	September 2018	\$0.00	*\$2,301,394.88	Grant of contingent lien in real estate.
*at least				
<b>Austin TX 78701</b> City State ZIP Code				
<b>Arie Genger</b> Insider's name <b>17001 Collins Ave., Apt. 2805</b> Number Street	8/3/18		\$5,451,389.27	Perfection of security interest in personal property
<b>Sunny Isles FL 33160</b> City State ZIP Code				

Debtor 1 Orly GengerCase number (if known) 19-10926**Part 4: Identify Legal Actions, Repossessions, and Foreclosures**

9. Within 1 year before you filed for bankruptcy, were you a party in any lawsuit, court action, or administrative proceeding?  
List all such matters, including personal injury cases, small claims actions, divorces, collection suits, paternity actions, support or custody modifications, and contract disputes.

- ☐ No  
☒ Yes. Fill in the details.

Case title  
**Orly Genger v. Sagi Genger**

Nature of the case  
**Fraud claim against Sagi Genger for taking interest in joint business venture.**

Case number 100697/08

Court or agency Status of the case  
**Supreme Court: New York County**  
Court Name ☒ Pending  
☐ On appeal  
Number Street ☐ Concluded  
City State ZIP Code

Case title  
**Orly Genger vs. Dalia Genger, Sagi Genger et al**

Nature of the case  
**Breach of fiduciary duty case against Sagi Genger related to a sham foreclosure of shares in a joint business venture.**

Case number 109749/09

Court or agency Status of the case  
**Supreme Court: New York County**  
Court Name ☒ Pending  
☒ On appeal  
Number Street ☐ Concluded  
City State ZIP Code

Case title  
**In the matter of Orly Genger for removal of Dalia Genger as Trustee**

Nature of the case  
**Removal of Dalia Genger as Trustee of Debtor's Trust**

Case number 0017/2008

Court or agency Status of the case  
**Surrogate's Court of the State of New York**  
Court Name ☒ Pending  
☐ On appeal  
**County of New York**  
Number Street ☐ Concluded  
City State ZIP Code

Case title  
**Dalia Genger v. Sagi Genger and Orly Genger**

Nature of the case  
**Appeal of S.D.N.Y. case listed below (17-cv-8181)**

Case number 18-2471-CV

Court or agency Status of the case  
**US Court of Appeals for the Second Circuit**  
Court Name ☒ Pending  
☐ On appeal  
**40 Foley Square**  
Number Street ☐ Concluded  
**New York NY**  
City State ZIP Code

Case title  
**Dalia Genger v. Sagi Genger v. Orly Genger**

Nature of the case  
**Sagi Genger suing Orly Genger for indemnification for alleged demand support from Dalia Genger**

Case number 1:17-CV-08181

Court or agency Status of the case  
**US District Court Southern District of New York**  
Court Name ☒ Pending  
☒ On appeal  
Number Street ☐ Concluded  
City State ZIP Code

Debtor 1 Orly Genger Case number (if known) 19-10926

<b>Case title</b> <b>In the matter of petition of Dalia Genger, as Trustee, to turnover property</b>	<b>Nature of the case</b> <b>Dalia Genger as Trustee of Orly Genger 1993 Trust seeking turnover of alleged property to trust</b>	<b>Court or agency</b> <b>Surrogate's Court of the State of New York</b>	<b>Status of the case</b> <input checked="" type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded
Case number <u>0017/2008/e</u>		Court Name Number Street City State ZIP Code	

10. Within 1 year before you filed for bankruptcy, was any of your property repossessed, foreclosed, garnished, attached, seized, or levied?

Check all that apply and fill in the details below.

- ☐ No. Go to line 11.  
☒ Yes. Fill in the information below.

<b>Sagi Genger</b> Creditor's Name	<b>Describe the property</b> <b>Invalid judgment lien asserted by Sagi Genger</b>	<b>Date</b>	<b>Value of the property</b>
<b>c/o John Dellaportas</b> Number Street	<b>Explain what happened</b> <input type="checkbox"/> Property was repossessed. <input type="checkbox"/> Property was foreclosed. <input type="checkbox"/> Property was garnished. <input checked="" type="checkbox"/> Property was attached, seized, or levied.		
<b>120 Broadway, 32nd Floor</b> City State ZIP Code			

11. Within 90 days before you filed for bankruptcy, did any creditor, including a bank or financial institution, set off any amounts from your accounts or refuse to make a payment because you owed a debt?

- ☒ No  
☐ Yes. Fill in the details.

12. Within 1 year before you filed for bankruptcy, was any of your property in the possession of an assignee for the benefit of creditors, a court-appointed receiver, a custodian, or another official?

- ☒ No  
☐ Yes

## Part 5: List Certain Gifts and Contributions

13. Within 2 years before you filed for bankruptcy, did you give any gifts with a total value of more than \$600 per person?

- ☒ No  
☐ Yes. Fill in the details for each gift.

14. Within 2 years before you filed for bankruptcy, did you give any gifts or contributions with a total value of more than \$600 to any charity?

- ☒ No  
☐ Yes. Fill in the details for each gift or contribution.

**Part 6: List Certain Losses**

15. Within 1 year before you filed for bankruptcy or since you filed for bankruptcy, did you lose anything because of theft, fire, other disaster, or gambling?

☒ No  
☐ Yes. Fill in the details.

**Part 7: List Certain Payments or Transfers**

16. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone you consulted about seeking bankruptcy or preparing a bankruptcy petition?

Include any attorneys, bankruptcy petition preparers, or credit counseling agencies for services required for your bankruptcy.

☐ No  
☒ Yes. Fill in the details.

	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
<b>Waller Lansden Dortch &amp; Davis, LLP</b> Person Who Was Paid	Retainer		
<b>100 Congress Avenue, 18th Floor</b> Number Street		<u>8/20/18</u>	<u>\$35,000.00</u>
		<u>8/21/2018</u>	<u>\$40,000.00</u>

**Austin TX 78701**  
City State ZIP Code

Email or website address

Person Who Made the Payment, if Not You

17. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone who promised to help you deal with your creditors or to make payments to your creditors?

Do not include any payment or transfer that you listed on line 16.

☒ No  
☐ Yes. Fill in the details.

18. Within 2 years before you filed for bankruptcy, did you sell, trade, or otherwise transfer any property to anyone, other than property transferred in the ordinary course of your business or financial affairs?

Include both outright transfers and transfers made as security (such as granting of a security interest or mortgage on your property). Do not include gifts and transfers that you have already listed on this statement.

☐ No  
☒ Yes. Fill in the details. **See above.**

19. Within 10 years before you filed for bankruptcy, did you transfer any property to a self-settled trust or similar device of which you are a beneficiary? (These are often called asset-protection devices.)

☐ No  
☒ Yes. Fill in the details.

Name of trust	Description and value of the property transferred	Date transfer was made
<b>The Orly Genger 2007 Family Trust</b>	I sold my entire limited liability company member interest in Sugar Hill Property Fund IV LLC to the trust \$110,000	<u>12/7/2015</u>
<b>The Orly Genger 2007 Family Trust</b>	I sold a 6.67% limited liability company member interest in RDA Ventures LLC to the trust \$25,000	<u>12/10/2015</u>

**Part 8: List Certain Financial Accounts, Instruments, Safe Deposit Boxes, and Storage Units**

20. Within 1 year before you filed for bankruptcy, were any financial accounts or instruments held in your name, or for your benefit, closed, sold, moved, or transferred?

Include checking, savings, money market, or other financial accounts; certificates of deposit; shares in banks, credit unions, brokerage houses, pension funds, cooperatives, associations, and other financial institutions.

- ☐ No  
☒ Yes. Fill in the details.

	Last 4 digits of account number	Type of account or instrument	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
<b>Northern Trust</b> Name of Financial Institution <b>40 West 57th St.</b> Number Street  <b>New York NY 10019</b> City State ZIP Code	XXXX- <u>2</u> <u>7</u> <u>3</u> <u>1</u>	<input checked="" type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other	<u>8/15/2018</u>	<u>\$9,434.56</u>
<b>Vanguard</b> Name of Financial Institution <b>P.O. Box 2600</b> Number Street  <b>Valley Forge PA 19482</b> City State ZIP Code	XXXX- <u>0</u> <u>0</u> <u>3</u> <u>6</u>	<input type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money market <input checked="" type="checkbox"/> Brokerage <input type="checkbox"/> Other	<u>08/10/2018</u>	<u>\$62,302.94</u>
<b>Vanguard</b> Name of Financial Institution <b>P.O. Box 2600</b> Number Street  <b>Valley Forge PA 19482</b> City State ZIP Code	XXXX- <u>5</u> <u>6</u> <u>7</u> <u>3</u>	<input type="checkbox"/> Checking <input type="checkbox"/> Savings <input checked="" type="checkbox"/> Money market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other	<u>8/13/2018</u>	<u>\$0.23</u>
<b>Morgan Stanley</b> Name of Financial Institution <b>1585 Broadway</b> Number Street  <b>New York NY 10036</b> City State ZIP Code	XXXX- <u>1</u> <u>5</u> <u>0</u> <u>0</u>	<input type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money market <input checked="" type="checkbox"/> Brokerage <input type="checkbox"/> Other	<u>8/10/2018</u>	<u>\$12,511.23</u>

Debtor 1 **Orly Genger**Case number (if known) **19-10926**

21. Do you now have, or did you have within 1 year before you filed for bankruptcy, any safe deposit box or other depository for securities, cash, or other valuables?

- ☒ No  
☐ Yes. Fill in the details.

22. Have you stored property in a storage unit or place other than your home within 1 year before you filed for bankruptcy?

- ☐ No  
☒ Yes. Fill in the details.

Who else has or had access to it?		Describe the contents	Do you still have it?
<b>Located in Israel and New Jersey</b>		<b>Alfredo Jaar painting and personal property with nominal value</b>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Name of Storage Facility			
Number	Street		
City	State ZIP Code		
<b>Family members</b>			
Name			
Number	Street		
City	State ZIP Code		

**Part 9: Identify Property You Hold or Control for Someone Else**

23. Do you hold or control any property that someone else owns? Include any property you borrowed from, are storing for, or hold in trust for someone.

- ☐ No  
☒ Yes. Fill in the details.

Where is the property?	Describe the property	Value
<b>Nily Dvora Genger 2005 Trust</b>	<b>Cash held by Orly Genger, Trustee for Nily Dvora Genger 2005 Trust</b>	<b>\$100.53</b>
Owner's Name		
Number Street		
City State ZIP Code		
<b>Morgan Stanley</b>		
Number Street		
City State ZIP Code		
<b>New York NY</b>		
City State ZIP Code		
<b>Where is the property?</b>	<b>Describe the property</b>	<b>Value</b>
<b>Gavriel Adir Genger 2006 Trust</b>	<b>Cash held by Orly Genger, Trustee for Gavriel Adir Genger 2006 Trust</b>	<b>\$100.43</b>
Owner's Name		
Number Street		
City State ZIP Code		
<b>Morgan Stanley</b>		
Number Street		
City State ZIP Code		
<b>New York NY</b>		
City State ZIP Code		
<b>Where is the property?</b>	<b>Describe the property</b>	<b>Value</b>
<b>Eitan Philip Genger Trust</b>	<b>Cash held by Orly Genger, Trustee for Eitan Philip Genger</b>	<b>\$100.42</b>
Owner's Name		
Number Street		
City State ZIP Code		
<b>Morgan Stanley</b>		
Number Street		
City State ZIP Code		
<b>New York NY</b>		
City State ZIP Code		



**Part 10: Give Details About Environmental Information**

For the purpose of Part 10, the following definitions apply:

- **Environmental law** means any federal, state, or local statute or regulation concerning pollution, contamination, releases of hazardous or toxic substance, wastes, or material into the air, land, soil, surface water, groundwater, or other medium, including statutes or regulations controlling the cleanup of these substances, wastes, or material.
- **Site** means any location, facility, or property as defined under any environmental law, whether you now own, operate, or utilize it or used to own, operate, or utilize it, including disposal sites.
- **Hazardous material** means anything an environmental law defines as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, contaminant, or similar item.

Report all notices, releases, and proceedings that you know about, regardless of when they occurred.

24. Has any governmental unit notified you that you may be liable or potentially liable under or in violation of an environmental law?

- ☒ No  
☐ Yes. Fill in the details.

25. Have you notified any governmental unit of any release of hazardous material?

- ☒ No  
☐ Yes. Fill in the details.

26. Have you been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.

- ☒ No  
☐ Yes. Fill in the details.

**Part 11: Give Details About Your Business or Connections to Any Business**

27. Within 4 years before you filed for bankruptcy, did you own a business or have any of the following connections to any business?

- ☐ A sole proprietor or self-employed in a trade, profession, or other activity, either full-time or part-time  
☒ A member of a limited liability company (LLC) or limited liability partnership (LLP)  
☒ A partner in a partnership  
☐ An officer, director, or managing executive of a corporation  
☒ An owner of at least 5% of the voting or equity securities of a corporation

- ☐ No. None of the above applies. Go to Part 12.  
☒ Yes. Check all that apply above and fill in the details below for each business.

<b>Subex LLC</b> Business Name  <b>c/o Holding Capital Group LLC</b> Number Street <b>7 Ridgewood Dr.</b>  <b>Bridgewater</b> <b>CT</b> <b>06752</b> City State ZIP Code	Describe the nature of the business <b>Holding Company</b>  Name of accountant or bookkeeper <b>Self prepared</b>	Employer Identification number Do not include Social Security number or ITIN. EIN: <u>0</u> <u>6</u> - <u>1</u> <u>4</u> <u>6</u> <u>3</u> <u>6</u> <u>4</u> <u>5</u>  Dates business existed From <u>1996</u> To <u>2015</u>
<b>Everything Important LLC</b> Business Name <b>19111 Collins Ave.</b> Number Street <b>Apt. 706</b>  <b>Sunny Isles</b> <b>FL</b> <b>33160</b> City State ZIP Code	Describe the nature of the business <b>Art production</b>  Name of accountant or bookkeeper <b>William Fischer</b>	Employer Identification number Do not include Social Security number or ITIN. EIN: <u>2</u> <u>6</u> - <u>1</u> <u>9</u> <u>1</u> <u>5</u> <u>0</u> <u>3</u> <u>6</u>  Dates business existed From <u>2/2008</u> To <u>Continuing</u>

Debtor 1 Orly Genger

Case number (if known) 19-10926

**OGJM Inc.**

Business Name

**5823 Dover St.**

Number Street

**Oakland**

City

**CA 94609**

State ZIP Code

Describe the nature of the business

**Jewelry Production**

Name of accountant or bookkeeper

**Anthony Distefeno**

Employer Identification number

Do not include Social Security number or ITIN.

EIN: 2 6 - 4 3 5 9 9 4 4

Dates business existed

From 2009 To Continuing

**Sugar Hill Property Fund III LLC**

Business Name

**c/o Sugar Hill Property Partners LLC**

Number Street

**256 W. 116th St., 2nd Floor**

**New York**

City

**NY 01002**

State ZIP Code

Describe the nature of the business

**Real estate fund**

Name of accountant or bookkeeper

**CohnReznick**

Employer Identification number

Do not include Social Security number or ITIN.

EIN: 4 5 - 4 6 1 2 8 7 0

Dates business existed

From 2012 To 2018

**Angel Island PPE Fund LP**

Business Name

**230 California St.**

Number Street

**Suite 520**

**San Francisco**

City

**CA 94111**

State ZIP Code

Describe the nature of the business

**Investment fund**

Name of accountant or bookkeeper

**Bdousa LLP**

Employer Identification number

Do not include Social Security number or ITIN.

EIN: 9 0 - 0 8 3 5 7 1 3

Dates business existed

From 2012 To 2015

**COR IDF LLC**

Business Name

**c/o RDA Ventures LLC**

Number Street

**104 W. 40th St., 19th Floor**

**New York**

City

**NY 10018**

State ZIP Code

Describe the nature of the business

**Investment partnership**

Name of accountant or bookkeeper

**Mazars USA LLP**

Employer Identification number

Do not include Social Security number or ITIN.

EIN: 4 6 - 0 8 6 2 2 6 0

Dates business existed

From 2013 To 2015

**RDA Ventures LLC**

Business Name

**104 W. 40th St., 19th Floor**

Number Street

Describe the nature of the business

**Investment partnership**

Name of accountant or bookkeeper

**Mazars USA LLP**

Employer Identification number

Do not include Social Security number or ITIN.

EIN: 1 1 - 3 5 2 9 5 5 5

Dates business existed

From 2014 To 2015

**New York**

City

**NY 10018**

State ZIP Code

**Sugar Hill Property Fund IV, LLC**

Business Name

**c/o Sugar Hill Property Partners LLC**

Number Street

**256 W. 116th St., 2nd Floor**

**New York**

City

**NY 10026**

State ZIP Code

Describe the nature of the business

**Real estate fund**

Name of accountant or bookkeeper

**CohnReznick**

Employer Identification number

Do not include Social Security number or ITIN.

EIN: 4 6 - 3 4 3 3 6 8 2

Dates business existed

From 2014 To 2015

Debtor 1 Orly Genger

Case number (if known) 19-10926

**AGOG Holdings LLC**

Business Name

19111 Collins Ave., Apt. 706

Number Street

Sunny Isles Beach FL 33160

City State ZIP Code

Describe the nature of the business  
**Investments**

Name of accountant or bookkeeper  
**William Fischer**

Employer Identification number  
Do not include Social Security number or ITIN.

EIN: 4 7 - 2 2 9 6 1 7 7

Dates business existed

From 2014 To 2017

**TPR Investment Associates, Inc.**

Business Name

c/o John Dellaportas, Esq.

Number Street

120 Broadway, 32nd Floor

New York NY 10271

City State ZIP Code

Describe the nature of the business

Name of accountant or bookkeeper

Employer Identification number  
Do not include Social Security number or ITIN.

EIN: 1 3 - 3 5 0 6 4 6 4

Dates business existed

From 10/29/85 To \_\_\_\_\_

**D&K Limited partnership**

Business Name

c/o John Dellaportas, Esq.

Number Street

120 Broadway, 32nd Floor

New York NY 10271

City State ZIP Code

Describe the nature of the business

Name of accountant or bookkeeper

Employer Identification number  
Do not include Social Security number or ITIN.

EIN: \_\_\_\_\_ - \_\_\_\_\_

Dates business existed

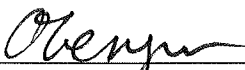
From 1/14/1994 To \_\_\_\_\_

28. Within 2 years before you filed for bankruptcy, did you give a financial statement to anyone about your business? Include all financial institutions, creditors, or other parties.

- ☒ No  
☐ Yes. Fill in the details below.

**Part 12: Sign Below**

I have read the answers on this *Statement of Financial Affairs* and any attachments, and I declare under penalty of perjury that answers are true and correct. I understand that making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571. \*Subject to Global Notes attached.

X   
Orly Genger, Debtor 1

X \_\_\_\_\_  
Signature of Debtor 2

Date 08/08/2019

Date \_\_\_\_\_

Did you attach additional pages to *Your Statement of Financial Affairs for Individuals Filing for Bankruptcy* (Official Form 107)?

- ☒ No  
☐ Yes

Did you pay or agree to pay someone who is not an attorney to help you fill out bankruptcy forms?

- ☒ No  
☐ Yes. Name of person \_\_\_\_\_

Attach the *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119).

**Fill in this information to identify your case:**

Debtor 1	<u>Orly</u>		<u>Genger</u>
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: <u>WESTERN DISTRICT OF TEXAS</u>			
Case number (if known)	<u>19-10926</u>		

☐ Check if this is an amended filing

**Official Form 108****Statement of Intention for Individuals Filing Under Chapter 7****12/15**

If you are an individual filing under chapter 7, you must fill out this form if:

- creditors have claims secured by your property, or
- you have leased personal property and the lease has not expired.

You must file this form with the court within 30 days after you file your bankruptcy petition or by the date set for the meeting of creditors, whichever is earlier, unless the court extends the time for cause. You must also send copies to the creditors and lessors you list on the form.

If two married people are filing together in a joint case, both are equally responsible for supplying correct information. Both debtors must sign and date the form.

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known).

**Part 1: List Your Creditors Who Hold Secured Claims**

1. For any creditors that you listed in Part 1 of *Schedule D: Creditors Who Hold Claims Secured by Property* (Official Form 106D), fill in the information below.

Identify the creditor and the property that is collateral

What do you intend to do with the property that secures a debt?

Did you claim the property as exempt on Schedule C?

Creditor's name: **Arie Genger**

Description of property securing debt: **Personal Property**

- ☐ Surrender the property.  
☐ Retain the property and redeem it.  
☐ Retain the property and enter into a *Reaffirmation Agreement*.  
☒ Retain the property and [explain]:  
**Disposition to be determined**

- ☐ No \*  
☐ Yes

Creditor's name: **Eric Herschmann**

Description of property securing debt: **Contingent lien on Debtor's interest in condominium**

- ☐ Surrender the property.  
☐ Retain the property and redeem it.  
☐ Retain the property and enter into a *Reaffirmation Agreement*.  
☒ Retain the property and [explain]:  
**Retain as allowed for condominium**  
**Disposition of remainder to be determined**

- ☐ No  
☒ Yes

\*includes exempt and nonexempt property

Debtor 1 Orly Genger

Case number (if known) 19-10926

**Part 2: List Your Unexpired Personal Property Leases**

For any unexpired personal property lease that you listed in *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 106G), fill in the information below. Do not list real estate leases. *Unexpired leases* are leases that are still in effect; the lease period has not yet ended. You may assume an unexpired personal property lease if the trustee does not assume it. 11 U.S.C. § 365(p)(2).

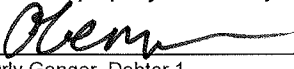
Describe your unexpired personal property leases

Will this lease be assumed?

None.

**Part 3: Sign Below**

Under penalty of perjury, I declare that I have indicated my intention about any property of my estate that secures a debt and personal property that is subject to an unexpired lease.

X   
Orly Genger, Debtor 1

X \_\_\_\_\_  
Signature of Debtor 2

Date 08/08/2019  
MM / DD / YYYY

Date \_\_\_\_\_  
MM / DD / YYYY

# **EXHIBIT 1**

## HOUSEHOLD GOODS AND FURNISHINGS

Wool area rug 9x11'	\$125
Wool area rug 6x8'	\$100
Table lamp Bauhaus style	\$500
Eames chair and ottoman	\$600
3 Silver picture frames	\$60
Variety of picture frames	\$40
Carry-on suitcase roller bag	\$10
Suitcase	\$20
Silver candle sticks	\$50
Variety of soft cover books	\$50
Variety of hard cover books	\$350
Artforum magazines	\$25
Decorative boxes	\$25
Wooden hangers	\$40
Tupperware bins	\$20
Pillows and duvet	\$20
Variety of glass vases	\$40
	<hr/>
TOTAL	\$2,075

# **EXHIBIT 2**



## Electronics

Nixplay digital photo frame	\$95
Nixplay digital photo frame	\$95
Bose wired headphones	\$35
Bose Powerbeats 3 wireless	\$60
Canon camera	\$200
Video camera	\$50
iPad	\$50
Fitbit flex	\$20
Personal space heater	\$10
Digital photo printer	\$10
2 Extracompact Twinturbo 3500 Hair Dryer	\$140
Turbo power Twin Turbo 2600 Hair Dryer	\$25
Flat Iron	\$5
	<hr/>
	\$795

# EXHIBIT 3

**Clothing**

27 Jeans	\$540
30 dresses	\$510
48 Tops and blouses	\$940
10 Jackets and vests	\$385
7 Coats	\$210
52 T-shirts	\$565
70 Underwear (Bras, underwear, socks)	\$384
22 sweaters	\$415
10 Swimwear	\$100
3 Jumpers	\$35
11 Skirts and pants	\$180
12 Wraps	\$350
18 Purses and bags	\$290
6 Boots	\$420
18 High heels	\$1,500
8 Sneakers	\$120
12 Sandals	\$430
8 Flip Flops	\$160
8 Sunglasses	\$320
14 Hats, scarves and gloves	\$280
Total	\$8,134

# **EXHIBIT 4**

## **Jewelry**

<b>Total</b>	<b>\$5,543</b>
--------------	----------------

### **Earrings**

Black pearl and diamond earrings	\$30
Yellow gold and diamond hoop earrings	\$110
White gold channel set diamond hoops earrings	\$150
18kt white gold sapphire and diamond earrings	\$600
18kt yellow gold pave diamond earrings	\$200
Sapphire and diamond earrings	\$80
Sapphire and diamond earrings	\$30
Silver amethyst earrings	\$10
18kt yellow gold bezel set diamond earrings	\$650
Butterfly earrings costume	\$25
Oscar de La Renta star earrings	\$90
Metal earrings	\$5
Ben Amun earrings costume	\$20
Ben Amun earrings costume	\$20
Ben Amun earrings costume	\$20
White earrings costume	\$5
Gold plated drop down earrings	\$5
Gold plated drop down earrings	\$5

---

**\$2,055**

## Necklaces

18kt white gold sapphire and diamond pendant necklace	\$325
Garnet beaded necklace	\$30
18kt yellow gold chain necklace	\$275
10 strand coin biwa pearl necklace	\$150
Amethyst multistrand necklace	\$150
Quartz multistrand necklace	\$150
Gold plated necklace with pendants	\$5
Gold plated necklace with pendants	\$5
Gold plated necklace with resin	\$5
W. Britt pendant necklace	\$20
Gold plated pendant necklace	\$5
33 rope necklaces (\$40 each)	\$1,320
	<hr/>
	<b>\$2,440</b>

## Rings

[illegible]

**\$198**

**Bracelets**

Gold plated Celine bracelet \$20

Gold colored cuff bracelet \$5

40 rope bracelets (\$20 each) \$800

---

**\$825**

**Pins**

Butterfly pin costume \$25

---

**\$25**

# **EXHIBIT 5**



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----  
DALIA GENDER,

Plaintiff,

v.

Index No. 1:17cv8181

SAGI GENDER,

Defendant/Third-Party Plaintiff,

v.

**ANSWER, AFFIRMATIVE  
DEFENSE AND THIRD-  
PARTY COMPLAINT**

ORLY GENDER,

Third-Party Defendant.  
-----

**ANSWER**

Defendant/Third-Party Plaintiff Sagi Genger (“Sagi”), by and through his attorneys, as and for his Answer to the Complaint of plaintiff Dalia Genger (“Dalia”), responds as follows:

1. Admits.
2. Admits.
3. Paragraph 3 states legal conclusions to which no answer is necessary.
4. Paragraph 4 states legal conclusions to which no answer is necessary.
5. Paragraph 5 states legal conclusions to which no answer is necessary.
6. Admits.
7. Admits.

8. Sagi respectfully refers to the decisions of this Court and the United States Court of Appeals for the Second Circuit in the prior litigation between himself and third-party defendant Orly Genger (“Orly”) for the true and correct contents thereof.

9. Admits.

SURROGATE'S COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

---

File No. 0017/2008

In the Matter of the Application of ORLY  
GENGER, as a person interested, for the  
removal of DALIA GENGER, as Trustee of the  
Orly Genger 1993 Trust pursuant to SCPA § 711(11)

---

**THIRD AMENDED VERIFIED PETITION FOR REMOVAL  
OF DALIA GENGER AS TRUSTEE**

TO THE SURROGATE'S COURT, STATE OF NEW YORK  
COUNTY OF NEW YORK

Petitioner, Orly Genger ("Petitioner" or "Orly"), by her attorneys, Platzer, Swergold, Karlin, Levine, Goldberg & Jaslow, LLP, respectfully alleges as her Third Amended Verified Petition (the "Third Amended Petition") for Removal of Dalia Genger as Trustee as follows:

1. Orly, domiciled at 780 Greenwich Street, Apartment #4P, New York, New York 10014, is the current and sole beneficiary of the Orly Genger 1993 Trust dated December 13, 1993 (the "Orly Trust"). Annexed hereto as **Exhibit "A"** is a copy of the Orly Trust.

2. Dalia Genger ("Dalia" or "Respondent"), residing at 200 East 65<sup>th</sup> Street, Apartment #32W, New York, New York 10021 is Orly's mother and is the current sole Trustee of the Orly Trust. Dalia was appointed successor Trustee in January, 2008.

3. The Orly Trust provides for discretionary payments of income and principal to Petitioner during her lifetime with the remainder to be distributed to her descendants, per stirpes. If Petitioner dies leaving no descendants, the remainder of the trust property is to be distributed to the Sagi Genger 1993 Trust (the "Sagi Trust"). Sagi Genger ("Sagi") is Orly's brother.

SUPREME COURT: NEW YORK COUNTY

ORLY GINGER,

Plaintiff.

- against -

SAGI GINGER,

Defendant.

Index No.:

VERIFIED COMPLAINT

03100007

Plaintiff Orly Genger, by her attorneys. Zeichner Ellman & Krause LLP, as  
and for her Verified Complaint in this action alleges upon information and belief as  
follows:

THE PARTIES, JURISDICTION AND VENUE

1. Plaintiff Orly Genger ("Plaintiff") is a resident of New York and resides at 1965 Broadway, Apt 22G, New York, New York. Plaintiff is an accomplished artist whose work is well-known, but who has no schooling in business or finance and little practical experience in those areas.

2. Defendant Sagi Genger ("Defendant") is a resident of the state of New York and resides at 1211 Park Avenue, New York, New York. Defendant is Plaintiff's older brother. Defendant holds an MBA in finance from The Wharton School, and has years of practical experience as a businessman, including serving as both the Chief Operating Officer and Chief Financial Officer of Lumenis, Ltd., a publicly traded

FILED

JAN 16 2008

NEW YORK  
COUNTY CLERK'S OFFICE



SURROGATE'S COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
In the Matter of

DALIA GINGER,  
Trustee of the Orly Genger 1993 Trust,

Petitioner,

-against-

ORLY GINGER, ARIE GINGER, GLENCLOVA  
INVESTMENT COMPANY, TR INVESTORS, LLC  
NEW TR EQUITY I, LLC, NEW TR EQUITY II, LLC,  
TRANS-RESOURCES, INC., ARNOLD BROSER,  
DAVID BROSER, JOHN DOES. 1-20, and  
JANE DOES 1-20,

Respondents,  
-----X

TO THE SURROGATE'S COURT, COUNTY OF NEW YORK:

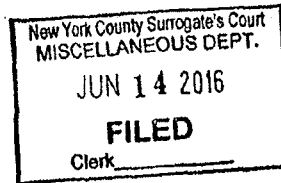
It is respectfully alleged:

**The Parties**

1. Petitioner, Dalia Genger, resides and is domiciled at 200 E. 65<sup>th</sup> Street, in the City of New York, County of New York and State of New York.
2. Petitioner is the Trustee of the Orly Genger 1993 Trust (the "Orly Trust").
3. Respondent Orly Genger ("Orly") is the only non-contingent beneficiary of the Orly Trust. The remaining respondents ("Respondents") are interested parties who wrongfully aided and abetted Orly in the misappropriation of Orly Trust assets.

**Jurisdiction and Venue**

4. This Court has subject matter jurisdiction pursuant to the Surrogate's Court Procedure Act, inter alia, SCPA 103(50), SCPA 207(1), and SCPA 209(6).



Index No. 2008-17

SUPREME COURT: NEW YORK COUNTY

ORLY GENDER in her individual capacity and on behalf of the Orly Genger 1993 Trust (both in its individual capacity and on behalf of D & K Limited Partnership),

Plaintiff,

- against -

DALIA GENDER, SAGI GENDER, LEAH FANG, D & K GP LLC, and TPR INVESTMENT ASSOCIATES, INC.,

Defendants.

Index No.: 109749/09

**SECOND AMENDED  
VERIFIED COMPLAINT**

Plaintiff Orly Genger in her individual capacity and on behalf of the Orly Genger 1993 Trust (both in its individual capacity and on behalf of D & K Limited Partnership), by her attorneys, Zeichner Ellman & Krause LLP, alleges, upon information and belief, for her Second Amended Verified Complaint against the defendants in this action as follows:

**NATURE OF THE ACTION**

1. As described below, Dalia and Sagi Genger, together with various business entities controlled by them and Leah Fang, engaged in a fraud and conspiracy designed to completely loot the Orly Genger 1993 Trust (the "Orly Trust") of its value. The defendants' various acts of self-dealing, material misrepresentations, and material omissions, in breach of their respective fiduciary duties and in violation of New York law, injured Orly Genger, the Orly Trust, and D & K Limited Partnership.

SURROGATE'S COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
In the Matter of the Petition of Dalia Genger, as Trustee of  
the Orly Genger 1993 Trust, Created by Trust Agreement  
Dated December 13, 1993 between ARIE GENDER,  
as Grantor, and LAWRENCE M. SMALL and  
SASH A. SPENCER, as Trustees, to Turnover Property  
o the Orly Genger 1993 Trust.

-----X  
DALIA GENDER,  
Trustee of the Orly Genger 1993 Trust,

Petitioner,

-against-

Index No. 2008-0017/E

ORLY GENDER, ARIE GENDER, GLENCLOVA  
INVESTMENT COMPANY, TR INVESTORS, LLC  
NEW TR EQUITY I, LLC, NEW TR EQUITY II, LLC,  
TRANS-RESOURCES, INC.  
ARNOLD BROSER,  
DAVID BROSER, JOHN DOES. 1-20, and  
JANE DOES 1-20,

**AMENDED PETITION  
FOR TURNOVER OF  
TRUST PROPERTY  
AND OTHER RELIEF**

Respondents,

-----X  
TO THE SURROGATE'S COURT, COUNTY OF NEW YORK:

It is respectfully alleged:

**The Parties**

1. Petitioner, Dalia Genger, resides and is domiciled at 200 E. 65<sup>th</sup> Street, in the City of New York, County of New York and State of New York.
2. Petitioner is the Trustee of the Orly Genger 1993 Trust (the "Orly Trust").
3. Respondent Orly Genger ("Orly") is the only non-contingent beneficiary of the Orly Trust (in addition to her daughter Lily). The remaining respondents ("Respondents") are interested parties who wrongfully aided and abetted Orly in the misappropriation of Orly Trust